



2016/0280(COD)

5.4.2017

AMENDMENTS

12 - 259

Draft opinion
Zdzisław Krasnodebski
(PE592.363v01-00)

Copyright in the Digital Single Market

Proposal for a directive
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Amendment 12
Rolandas Paksas

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. ***This*** Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on rights in publications, on the use of works and other subject-matter by online service providers storing and giving access to user uploaded content and on the transparency of authors' and performers' contracts.

Amendment

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. ***In this context, with particular respect to the abuse of embedding or framing techniques of audio-visual content on a commercial scale, the Commission will investigate all possible measures to create adequate safeguards against such abuse. In addition,*** this Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on rights in publications, on the use of works and other subject-matter by online service providers storing and giving access to user uploaded content and on the transparency of authors' and performers' contracts.

Amendment 13

Theresa Griffin, Jude Kirton-Darling, Julie Ward, Clare Moody, Mary Honeyball, Miriam Dalli, Giorgos Grammatikakis, Pervenche Berès, Virginie Rozière

Proposal for a directive

Recital 3

Text proposed by the Commission

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and other subject-matter by online service providers storing and giving access to user uploaded content and on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

²⁶ COM(2015) 626 final.

Or. en

Amendment 14

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject-matter in the digital environment. As set out in the Communication of the Commission entitled ‘Towards a modern, more European copyright framework’²⁶, in some areas it is necessary to adapt and supplement the current Union copyright framework. This Directive provides for rules to adapt certain exceptions and limitations to digital and cross-border environments, as well as measures to facilitate certain licensing practices as regards the dissemination of out-of-commerce works and the online availability of audiovisual works on video-on-demand platforms with a view to ensuring wider access to content. In order to achieve a well-functioning marketplace for copyright, there should also be rules on **rights in publications**, on the use of works and other subject-matter by online service

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²⁶ COM(2015) 626 final.

giving access to user uploaded content and on the transparency of authors' and performers' contracts.

²⁶ COM(2015) 626 final.

Or. en

Amendment 15
Pilar del Castillo Vera

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) In the fields of research, education and preservation of cultural heritage, digital technologies permit new types of uses that are not clearly covered by the current Union rules on exceptions and limitations. In addition, the optional nature of exceptions and limitations provided for in Directives 2001/29/EC, 96/9/EC and 2009/24/EC in these fields may negatively impact the functioning of the internal market. This is particularly relevant as regards cross-border uses, which are becoming increasingly important in the digital environment. Therefore, the existing exceptions and limitations in Union law that are relevant for innovation and scientific research, teaching and preservation of cultural heritage should be reassessed in the light of those new uses. Mandatory exceptions or limitations for uses of text and data mining technologies in the field of scientific research, illustration for teaching in the digital environment and for preservation of cultural heritage should be introduced. For uses not covered by the exceptions or the limitation provided for in this Directive, the exceptions and limitations existing in Union law should continue to apply. Directives 96/9/EC and 2001/29/EC

should be adapted.

Or. en

Amendment 16

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) In order to ensure that technological measures do not prevent the enjoyment of the exceptions and limitations established in this Directive, in Directive 2001/29/EC, Directive 96/9/EC, Directive 2009/24/EC or Directive 2012/28/EU, Article 6(4) of Directive 2001/29/EC needs to be updated in order to take account of the fact that in the marketplace, rightsholders are often unable to make available to the beneficiary of an exception or limitation the means of benefiting from that exception or limitation, because technological protection measures are generally not applied by the rightsholders themselves, but by third party suppliers who provide the content to consumers, such as online marketplaces, some of whom enjoy a dominant market position. The inability of users to make use of their rights under copyright exceptions and limitations is not just having a negative impact on users' fundamental rights, it is also detrimental to rightsholders who often find themselves in a weaker bargaining position vis-à-vis suppliers of digital content, especially when consumers are locked into the products and services offered by that seller through the use of technological measures. It is therefore insufficient to require Member States only to place obligations upon the rightsholders, who are generally unable to remove the technological protection measures put on their works by third

parties. In addition, the act of circumventing technological protection measures for the purposes of enjoying exceptions and limitations to copyright and related rights needs to be exempted from the general legal protection of effective technological measures enshrined in Article 6(1) and 6(2) of Directive 2001/29/EC. Furthermore, the definition of "technological measures" in Article 6(3) of Directive 2001/29/EC needs to be clarified so as not to include measures which are designed to restrict authorised uses under copyright exceptions and limitations.

Or. en

Amendment 17
Rolandas Paksas

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, **research** organisations **such as universities and research institutes** are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the

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Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow **citizens, businesses**, researchers, **journalists and any member of society who has access to the internet**, to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit **citizen science, businesses**, the research community, **journalism and other sectors of society and the economy** and in so doing encourage innovation, **growth and jobs**. However, in the Union, **all** organisations **and individuals** are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain

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extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Amendment 18

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can *in particular* benefit the research community and in so doing encourage innovation. However, in the Union, *research organisations such as universities and research institutes* are confronted with legal uncertainty as to the extent to which they can perform text and data mining *of content*. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents

Amendment

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow *citizens, startups, researchers and journalists* to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can *also* benefit *citizen science, business, the research community and journalism* and in so doing encourage innovation. However, in the Union, *individuals and legal entities having lawful access to content* are confronted with legal uncertainty as to the extent to which they can perform text and data mining *thereof*. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other

from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Amendment 19

Theresa Griffin, Jude Kirton-Darling, Miriam Dalli, Jeppe Kofod, Mary Honeyball, Pervenche Berès, Clare Moody, Alessia Maria Mosca, Jens Geier

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required

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Or. en

Amendment 20

Julie Ward

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no

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Or. en

Amendment 21
Pilar del Castillo Vera

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) New technologies enable the automated computational analysis of information in digital form, such as text, sounds, images or data, generally known as text and data mining. Those technologies allow researchers to process large amounts of information to gain new knowledge and discover new trends. Whilst text and data mining technologies are prevalent across the digital economy, there is widespread acknowledgment that text and data mining can in particular benefit the research community and in so doing encourage innovation. However, in the Union, research organisations such as universities and research institutes as well as public and private organizations, start ups and individuals are confronted with legal uncertainty as to the extent to which they can perform text and data mining of content. In certain instances, text and data mining may involve acts protected by copyright and/or by the sui generis database right, notably the reproduction of works or other subject-matter and/or the extraction of contents from a database. Where there is no exception or limitation which applies, an authorisation to undertake such acts would be required from rightholders. Text and data mining may also be carried out in relation to mere facts or data which are not protected by copyright and in such instances no authorisation would be required.

Or. en

Amendment 22

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where *researchers* have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research *is* increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Amendment

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where *individuals and legal entities* have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As *both research and business are* increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Or. en

Amendment 23

Rolandas Paksas

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where *researchers* have lawful access to content, for example through

Amendment

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subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research *is* increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position *as a research area* will suffer unless steps are taken to address the legal uncertainty for text and data mining.

the internet or subscriptions to publications, the terms of the licences may exclude text and data mining. As *both business and* research *are* increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position *globally* will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Or. en

Amendment 24

Theresa Griffin, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where *researchers* have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area will suffer unless steps are taken to address the legal uncertainty for text and data mining.

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Or. en

Amendment 25

Pilar del Castillo Vera

Proposal for a directive

Recital 9 a (new)

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(9 a) Union law already provides certain exceptions and limitations covering uses for scientific research purposes which may apply to acts of text and data mining. However, those exceptions and limitations are optional and not fully adapted to the use of technologies in scientific research. Moreover, where researchers have lawful access to content, for example through subscriptions to publications or open access licences, the terms of the licences may exclude text and data mining. As research is increasingly carried out with the assistance of digital technology, there is a risk that the Union's competitive position as a research area and a data economy leader will suffer unless steps are taken to address the legal uncertainty for text and data mining.

Or. en

Amendment 26

Theresa Griffin, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Recital 9 a (new)

(9 a) Union law should take into consideration that text and data mining has the huge potential to be used in both formal and informal research settings and should recognise the potential of text and data mining to stimulate significant innovation, growth and jobs.

Or. en

Amendment 27

Theresa Griffin, Pervenche Berès, Clare Moody, Jude Kirton-Darling, Mary Honeyball

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception.

Research organisations should also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception.

Or. en

Amendment 28

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive
Recital 10

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Research organisations should also benefit from the exception when they engage into public-private partnerships.

Amendment

(10) This legal uncertainty should be addressed by providing for a mandatory exception to the right of reproduction and also to the right to prevent extraction from a database, ***including raw data***. The new exception should be without prejudice to the existing mandatory exception on temporary acts of reproduction laid down in Article 5(1) of Directive 2001/29, which should continue to apply to text and data mining techniques which do not involve the making of copies going beyond the scope of that exception. ***Legal entities*** should also benefit from the exception when they engage into public-private partnerships.

Or. en

Amendment 29
Rolandas Paksas

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive. **deleted**

Or. en

Amendment 30
Dario Tamburrano, Isabella Adinolfi, David Borrelli

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) Research organisations across the **deleted**

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Or. en

Amendment 31

Angelika Niebler, Herbert Reul, Christian Ehler, Pascal Arimont, Esther de Lange

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis

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or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

commercial basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example, be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations ***that undertake text and data mining for commercial purposes as well as organisations*** upon which commercial undertakings have a decisive influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive. ***In case a research organization is part of a public-private partnership and engages in text and data mining for the benefit of the commercial undertaking, the commercial undertaking should also acquire lawful access through the rightholder.***

Or. en

Amendment 32

Anne Sander, Françoise Grossetête

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis or in the context of a public-interest mission recognised by the State. Such a public-interest mission may, for example,

Amendment

(11) Research organisations across the Union encompass a wide variety of entities the primary goal of which is to conduct scientific research or to do so together with the provision of educational services. Due to the diversity of such entities, it is important to have a common understanding of the beneficiaries of the exception. Despite different legal forms and structures, research organisations across Member States generally have in common that they act either on a not for profit basis ***non commercial basis***, or in the context of a public-interest mission recognised by the State. Such a public-interest mission may,

be reflected through public funding or through provisions in national laws or public contracts. At the same time, organisations upon which commercial undertakings have a *decisive* influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

for example, be reflected through public funding or through provisions in national laws or public contracts. ***Organisations which seek to obtain a commercial profit on their investment in text and data mining should not be considered research organisations for the purposes of this Directive.*** At the same time, organisations upon which commercial undertakings have a *significant* influence allowing them to exercise control because of structural situations such as their quality of shareholders or members, which may result in preferential access to the results of the research, should not be considered research organisations for the purposes of this Directive.

Or. en

Amendment 33 **Rolandas Paksas**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) In view of a potentially high number of access requests to and downloads of their works or other subject-matter, rightholders should be allowed to apply measures where there is risk that the security ***and integrity*** of the system or databases where the works or other subject-matter are hosted ***would*** be jeopardised. Those measures should not exceed what is necessary to pursue the objective of ensuring the security ***and integrity*** of the system and should not undermine the effective application of the exception.

Amendment

(12) In view of a potentially high number of access requests to and downloads of their works or other subject-matter, rightholders should be allowed to apply measures where there is risk that the security of the system or databases where the works or other subject-matter are hosted ***could*** be jeopardised. Those measures should not exceed what is necessary to pursue the objective of ensuring the security of the system and should not undermine the effective application of the exception.

Or. en

Amendment 34 **Angelika Niebler, Herbert Reul, Pascal Arimont, Esther de Lange**

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Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception the harm should be minimal.

deleted

Or. en

Amendment 35

Theresa Griffin, Jude Kirton-Darling, Mary Honeyball, Clare Moody

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception *the harm* should be *minimal*.

(13) There is no need to provide for compensation for rightholders as regards uses under the text and data mining exception introduced by this Directive given that in view of the nature and scope of the exception. *It should be noted that a license is still required to access research for text and data mining and any further compensation for rightholders is unnecessary.*

Or. en

Amendment 36

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) Where information society service providers store and provide access to the

public to copyright protected works or other subject-matter uploaded by their users, therefore going beyond the mere provision of physical facilities and performing an act of communication to the public, as well as an act of reproduction, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council.

Or. en

Amendment 37

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the *sole* purpose of, *among others*, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception *or limitation* is necessary to ensure *that educational establishments benefit from* full legal

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Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the purpose of illustration for teaching *or scientific research*. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. The scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect, *nor allow the application of such exceptions or limitations to private study purposes*. This situation may hamper the development of digitally-supported teaching activities and distance learning, *scientific research and private study*. Therefore, the introduction

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certainty when using works or other subject-matter in *digital* teaching activities, including online and across borders.

of a new mandatory exception is necessary to ensure full legal certainty when using works or other subject-matter in *all* teaching activities, *scientific research and private study*, including *digital*, online and across borders.

Or. en

Amendment 38

Rolandas Paksas

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. *The* scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in *digital* teaching activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. *In addition to uneven application across EU Member States*, the scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in *all* teaching activities, including online and across borders.

Amendment 39

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Clare Moody, Mary Honeyball, Alessia Maria Mosca, Julie Ward, Jeppe Kofod

Proposal for a directive**Recital 14***Text proposed by the Commission*

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. *The* scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in *digital* teaching activities, including online and across borders.

Amendment

(14) Article 5(3)(a) of Directive 2001/29/EC allows Member States to introduce an exception or limitation to the rights of reproduction, communication to the public and making available to the public for the sole purpose of, among others, illustration for teaching. In addition, Articles 6(2)(b) and 9(b) of Directive 96/9/EC permit the use of a database and the extraction or re-utilization of a substantial part of its contents for the purpose of illustration for teaching. *Alongside uneven application in Member States*, the scope of those exceptions or limitations as they apply to digital uses is unclear. In addition, there is a lack of clarity as to whether those exceptions or limitations would apply where teaching is provided online and thereby at a distance. Moreover, the existing framework does not provide for a cross-border effect. This situation may hamper the development of digitally-supported teaching activities and distance learning. Therefore, the introduction of a new mandatory exception or limitation is necessary to ensure that educational establishments benefit from full legal certainty when using works or other subject-matter in *all* teaching activities, including online and across borders.

Amendment 40

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. ***The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.***

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. ***Such tools are also used in scientific research and private study activities. The exception*** provided for in this Directive should therefore benefit all educational, ***scientific and private study activities*** for a non-commercial purpose.

Or. en

Amendment 41
Rolandas Paksas

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational and higher education ***as well as organisations such as libraries and other cultural heritage institutions providing non-formal or informal education,*** to the extent they pursue their educational

not the decisive factors to determine the non-commercial nature of the activity.

activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 42

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca, Jens Geier

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational **and higher education** to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Amendment

(15) While distance learning and cross-border education programmes are mostly developed at higher education level, digital tools and resources are increasingly used at all education levels, in particular to improve and enrich the learning experience. The exception or limitation provided for in this Directive should therefore benefit all educational establishments in primary, secondary, vocational, **higher education, formal and non-formal educational settings, especially libraries and other cultural heritage institutions**, to the extent they pursue their educational activity for a non-commercial purpose. The organisational structure and the means of funding of an educational establishment are not the decisive factors to determine the non-commercial nature of the activity.

Or. en

Amendment 43

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 16

(16) The exception **or limitation** should cover **digital** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. ***The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures.*** The exception **or limitation** should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

(16) The exception should cover **all** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities, ***the scientific research and private study.*** The exception should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching ***or scientific research, as well as private study.***

Or. en

Amendment 44

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Recital 16

(16) The exception or limitation should cover **digital** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the

(16) The exception or limitation should cover **all** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational

responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

establishments, *in both formal and non-formal educational settings, especially libraries and other cultural heritage institutions*, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching. *Compensation mechanisms should be only used in cases where there is unreasonable prejudice to the rightholders.*

Or. en

Amendment 45 **Rolandas Paksas**

Proposal for a directive **Recital 16**

Text proposed by the Commission

(16) The exception or limitation should cover **digital** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover both uses through digital means in the classroom and online uses through the educational establishment's secure

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Amendment

(16) The exception or limitation should cover **all** uses of works and other subject-matter such as the use of parts or extracts of works to support, enrich or complement the teaching, including the related learning activities. The use of the works or other subject-matter, **digital or otherwise**, under the exception or limitation should be only in the context of teaching and learning activities carried out under the responsibility of educational establishments, **including organisations such as libraries and other cultural heritage institutions providing non-formal or informal education**, including during examinations, and be limited to what is necessary for the purpose of such activities. The exception or limitation should cover

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electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

both uses through digital means in the classroom and online uses through the educational establishment's secure electronic network, the access to which should be protected, notably by authentication procedures. The exception or limitation should be understood as covering the specific accessibility needs of persons with a disability in the context of illustration for teaching.

Or. en

Amendment 46

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception *or limitation* in relation to *digital* uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper *the effective application of the exception or limitation or cross-border uses. This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for*

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception in relation to *all* uses and cross-border teaching activities, *scientific research and private study*, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper *in any way the effective application of the exception or cross-border uses.*

example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

Or. en

Amendment 47
Rolandas Paksas

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. ***This should allow Member States to build on the existing arrangements concluded at national level. In particular, Member States could decide to subject the application of the exception***

Amendment

(17) Different arrangements, based on the implementation of the exception provided for in Directive 2001/29/EC or on licensing agreements covering further uses, are in place in a number of Member States in order to facilitate educational uses of works and other subject-matter. Such arrangements have usually been developed taking account of the needs of educational establishments and different levels of education. Whereas it is essential to harmonise the scope of the new mandatory exception or limitation in relation to digital uses and cross-border teaching activities, the modalities of implementation may differ from a Member State to another, to the extent they do not hamper the effective application of the exception or limitation or cross-border uses. ***As such, any other compensation mechanisms should be limited to cases where there is a risk of unreasonable prejudice to the legitimate***

or limitation, fully or partially, to the availability of adequate licences, covering at least the same uses as those allowed under the exception. This mechanism would, for example, allow giving precedence to licences for materials which are primarily intended for the educational market. In order to avoid that such mechanism results in legal uncertainty or administrative burden for educational establishments, Member States adopting this approach should take concrete measures to ensure that licensing schemes allowing digital uses of works or other subject-matter for the purpose of illustration for teaching are easily available and that educational establishments are aware of the existence of such licensing schemes.

interests of rightholders.

Or. en

Amendment 48

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of preservation.

Amendment

(18) An act of preservation may require a reproduction of a work or other subject-matter in the collection of a cultural heritage institution and consequently the authorisation of the relevant rightholders. Cultural heritage institutions, **research organisations and educational establishments, both formal and non-formal**, are engaged in the preservation of their collections for future generations. Digital technologies offer new ways to preserve the heritage contained in those collections but they also create new challenges. In view of these new challenges, it is necessary to adapt the current legal framework by providing a mandatory exception to the right of reproduction in order to allow those acts of

preservation.

Or. en

Amendment 49

Theresa Griffin, Miriam Dalli, Giorgos Grammatikakis, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Alessia Maria Mosca, Jens Geier

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions hamper cross-border cooperation and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources.

Amendment

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions hamper cross-border cooperation and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources. ***Member States should facilitate the cross-border sharing of best-practice, new technologies and preservation techniques.***

Or. en

Amendment 50

Rolandas Paksas

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions hamper cross-border cooperation and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources.

Amendment

(19) Different approaches in the Member States for acts of preservation by cultural heritage institutions, ***research organisations, and educational establishments*** hamper cross-border cooperation and the sharing of means of preservation by cultural heritage institutions in the internal market, leading to an inefficient use of resources.

Or. en

Amendment 51

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions, ***research organisations and educational establishments, both formal and non-formal***, to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Or. en

Amendment 52

Rolandas Paksas

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow for the making of copies by the appropriate preservation tool,

Amendment

(20) Member States should therefore be required to provide for an exception to permit cultural heritage institutions, ***research organisations, and educational establishments*** to reproduce works and other subject-matter permanently in their collections for preservation purposes, for example to address technological obsolescence or the degradation of original supports. Such an exception should allow

means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

for the making of copies by the appropriate preservation tool, means or technology, in the required number and at any point in the life of a work or other subject-matter to the extent required in order to produce a copy for preservation purposes only.

Or. en

Amendment 53

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive Recital 21

Text proposed by the Commission

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned or permanently held by the cultural heritage institution, *for example as a result of a* transfer of ownership or licence agreements.

Amendment

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned, ***held on long-term loan*** or permanently held by the cultural heritage institution, ***research organisations and educational establishments, both formal and non-formal, including*** transfer of ownership or licence agreements.

Or. en

Amendment 54

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive Recital 21

Text proposed by the Commission

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution when copies are owned or permanently held by the cultural heritage institution, for example as a result of a transfer of ownership or licence agreements.

Amendment

(21) For the purposes of this Directive, works and other subject-matter should be considered to be permanently in the collection of a cultural heritage institution ***or educational establishment*** when copies are owned or permanently held by the cultural heritage institution, for example as a result of a transfer of ownership or

licence agreements.

Or. de

Amendment 55
Rolandas Paksas

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use. It is therefore necessary to provide for measures to facilitate the licensing of rights in out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Amendment

(22) Cultural heritage institutions should benefit from a clear framework for the digitisation and dissemination, including across borders, of out-of-commerce works or other subject-matter. However, the particular characteristics of the collections of out-of-commerce works mean that obtaining the prior consent of the individual rightholders may be very difficult. This can be due, for example, to the age of the works or other subject-matter, their limited commercial value or the fact that they were never intended for commercial use ***to begin with. It is therefore necessary to provide for measures to facilitate the online availability of out-of-commerce works that are in the collections of cultural heritage in the internal market.*** . It is therefore necessary to provide for measures to facilitate the licensing of rights in out-of-commerce works that are in the collections of cultural heritage institutions and thereby to allow the conclusion of agreements with cross-border effect in the internal market.

Or. en

Amendment 56
Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing for licences for out-of-commerce works to extend to the rights of rightholders that are **not** represented by the collective management organisation, in accordance to their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.

Amendment

(23) Member States should, within the framework provided for in this Directive, have flexibility in choosing the specific type of mechanism allowing for licences for out-of-commerce works to extend to the rights of rightholders that are ***either not represented or not adequately*** represented by the collective management organisation, in accordance to their legal traditions, practices or circumstances. Such mechanisms can include extended collective licensing and presumptions of representation.

Or. en

Amendment 57
Rolandas Paksas

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, users and collective management organisations when doing so.

Amendment

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, ***cultural heritage institutions***, users and collective management organisations when doing so.

Amendment 58

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive**Recital 25***Text proposed by the Commission*

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, users and collective management organisations when doing so.

Amendment

(25) Considering the variety of works and other subject-matter in the collections of cultural heritage institutions, it is important that the licensing mechanisms introduced by this Directive are available and can be used in practice for different types of works and other subject-matter, including photographs, sound recordings and audiovisual works. In order to reflect the specificities of different categories of works and other subject-matter as regards modes of publication and distribution and to facilitate the usability of those mechanisms, specific requirements and procedures may have to be established by Member States for the practical application of those licensing mechanisms. It is appropriate that Member States consult rightholders, ***cultural institutions***, users and collective management organisations when doing so.

Amendment 59

Eva Kaili

Proposal for a directive**Recital 28 a (new)***Text proposed by the Commission**Amendment*

(28 a) Considering the technological developments in the field of distributed ledger technology, it is important to recognise the opportunity for the

introduction of public decentralized ledgers, such as blockchain, to register, catalogue and protect against copyright infringement. Such an application could serve as a registry of ownership, facilitating traceability, and monitoring the use of copyrighted material, creating the conditions to enable the "by default" protection of creators and rightholders.

Or. en

Amendment 60

Eva Kaili

Proposal for a directive

Recital 28 b (new)

Text proposed by the Commission

Amendment

(28 b) Building on the use of distributed ledger technologies, other than traceability and protection against copyright infringement, the issue of remuneration could be addressed. The use of smart contracts could revolutionize royalties allocationn making it more transparent, effective and less costly. The parties involved connected by a network of a distributed ledger, such as blockchain, could set the contract terms and create automatic procedures that would deliver the royalties, upon usage of the copyrighted material resulting in the fair remuneration of the creators and rightholders.

Or. en

Amendment 61

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Recital 30

Text proposed by the Commission

Amendment

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

(30) To facilitate the licensing of rights in audiovisual works to video-on-demand platforms, this Directive requires Member States to set up a negotiation mechanism allowing parties willing to conclude an agreement, ***including authors***, to rely on the assistance of an impartial body. The body should meet with the parties and help with the negotiations by providing professional and external advice. Against that background, Member States should decide on the conditions of the functioning of the negotiation mechanism, including the timing and duration of the assistance to negotiations and the bearing of the costs. Member States should ensure that administrative and financial burdens remain proportionate to guarantee the efficiency of the negotiation forum.

Or. en

Amendment 62 **Miroslav Poche**

Proposal for a directive **Recital 31**

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

deleted

Or. cs

Amendment 63

Dario Tamburrano, Laura Ferrara, Isabella Adinolfi, David Borrelli

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.

deleted

Or. en

Amendment 64

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 31

Text proposed by the Commission

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. *In the absence of recognition of publishers of press publications as rightholders, licensing* and enforcement in the digital environment is often complex and inefficient.

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. Licensing and enforcement in the digital environment is often complex and inefficient.

Amendment 65

Dario Tamburrano, Laura Ferrara, Isabella Adinolfi, David Borrelli

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) *The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.* *deleted*

Or. en

Amendment 66

Miroslav Poche

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) *The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available* *deleted*

to the public of press publications in respect of digital uses.

Or. cs

Amendment 67

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. *It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.*

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry.

Or. en

Amendment 68

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) *For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or*

Amendment

deleted

monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 69

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

deleted

Or. en

Amendment 70

Miroslav Poche

Proposal for a directive

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Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

deleted

Or. cs

Amendment 71

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications

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under this Directive. *This protection does not extend to acts of hyperlinking which do not constitute communication to the public.*

under this Directive.

Or. en

Amendment 72

Angelika Niebler, Herbert Reul, Christian Ehler

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should ***not*** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should ***also*** be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which do not constitute communication to the public.

Or. en

Amendment 73

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody

Proposal for a directive

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33 a) The rights for press publishers should apply without prejudice to the

rights of individuals for the reproduction, communication or providing links or extracts of a press publication to the public for private use or not-for-profit, non-commercial purposes.

Or. en

Amendment 74

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

deleted

Or. en

Amendment 75

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital

deleted

uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 76

Angelika Niebler, Herbert Reul, Christian Ehler, Pascal Arimont

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, *insofar as digital uses are concerned*. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive. *The protection granted to press publications under this Directive should also apply where the content is automatically generated by, for example, news aggregators.*

Or. en

Amendment 77

Miriam Dalli, Giorgos Grammatikakis

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, *insofar as digital uses are concerned*. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Justification

Print editions are worth as much protection as digital editions. For this reason it is essential to ensure that rights are granted for both digital and non-digital use and remove any wording that can exclude non-digital uses.

Amendment 78

Theresa Griffin, Miriam Dalli, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody

Proposal for a directive Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, *insofar as digital uses are concerned*. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

Amendment 79

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) *The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.* *deleted*

Or. en

Amendment 80

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 35

Text proposed by the Commission

Amendment

(35) *The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of* *deleted*

press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Or. en

Amendment 81

Theresa Griffin, Miriam Dalli, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Virginie Rozière

Proposal for a directive Recital 35

Text proposed by the Commission

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side. ***Member States should ensure that a fair share of remuneration, derived from the use of the press publishers right, is attributed to journalists, authors and other rightholders.***

Or. en

Amendment 82

Eva Kaili

Proposal for a directive

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) With regards to the issue of dissemination of fake news, it is important stress out the limited liability safe harbours for intermediaries in the protection of an open internet ecosystem. However, the involved parties need to create the digital tools to balance byist approaches and dissemination of false information. Most notably, when false information is spread online in high concentration, in particular geographical areas, resulting in influencing parts of the population, the user(s) should also be provided with related to the false information, articles, that showcase the other points of view, on his online interface of use.

Or. en

Amendment 83

Christian Ehler, Pervenche Berès

Proposal for a directive

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) Cultural and creative industries (CCIs) play a key role in reindustrialising Europe, are a driver for growth and are in a strategic position to trigger innovative spill-overs in other industrial sectors. Furthermore CCIs are a driving force for innovation and development of ICT in Europe. Cultural and creative industries in Europe provide more than 12 million full-time jobs, which amounts to 7.5 % of the EU's work force, creating approximately EUR 509 billion in value added to GDP (5.3 % of the EU's total

GVA.

The protection of copyright and related rights are at the core of the CCI's revenue.

Or. en

Amendment 84

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

deleted

Or. en

Amendment 85

Christian Ehler, Pervenche Berès

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources

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of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Despite the fact that more creative content is being consumed today than ever before, on services such as user-uploaded content platforms and content aggregation services, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. One of the main reasons is being referred to as a transfer of value that has emerged due to the lack of clarity regarding the status of these online services under copyright and e-commerce law. An unfair market has been created, threatening the development of the Digital Single Market and its main players: the cultural and creative industries.

Or. en

Amendment 86

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Virginie Rozière

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Amendment

(37) Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement ***or agreement*** of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Information society service providers

claim to be covered by the safe harbour exemption of Directive 2000/31/EC and either refuse to enter into licensing agreements or underpay creators, directly competing with fully licensed content providers for the same users and revenues. These services therefore conflict with the normal exploitation of copyright protected works and subject matter and drive down the overall value of creative content online.

Or. en

Amendment 87
Kaja Kallas

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Over the *last* years, *the functioning of the online content marketplace has gained in complexity. Online* services *providing access to copyright protected content uploaded by their users without the involvement of right holders* have flourished and have become *main* sources of access to content online. *This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.*

Amendment

(37) Over the years, online services *enabling users to upload works and to make them accessible to the public* have flourished and have become *important* sources of access to content online *and of creativity. At the same time, when protected content is uploaded without prior authorisation from rightholders, they have generated challenges.*

Or. en

Amendment 88
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) ***Over*** the last years, the functioning
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Amendment

(37) ***Acknowledges that*** over the last

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of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.

Or. en

Amendment 89

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) These user uploaded content services have attracted users and derived economic value from providing access to protected works and other subject matter, often including its optimization of presentation, organisation and promotion. In doing so, these services directly compete with licensed content providers for the same users and revenues. However, such user uploaded content services either refuse to enter into licensing agreement or underpay the creators for the works on which they rely by erroneously claiming to be covered by the safe harbour exemptions of Directive 2000/31/EC. This transfer of value prevents authors, creators, performers and right holders from receiving a fair remuneration for their works, undermines the efficiency of the online market, distorts competition and drives down the overall value of cultural content online.

Or. en

Amendment 90

Angelika Niebler, Herbert Reul, Pascal Arimont, Esther de Lange

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Today more creative content is being consumed than ever before. That happens on services such as user-uploaded content platforms and content aggregation services. At the same time, the creative sectors have not seen a comparable increase in revenues from this increase in consumption. One of the main reasons is being referred to as a transfer of value that has emerged due to the lack of clarity regarding the status of these online services under copyright and e-commerce law. An unfair market has been created, threatening the development of the Digital Single Market and its main players: the creative industries.

Or. en

Amendment 91

Angelika Niebler, Herbert Reul, Pascal Arimont, Esther de Lange

Proposal for a directive

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37 b) Digital platforms are means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. Therefore, consideration is to be made of how this process can function with more legal certainty and respect for right holders. It is therefore of utmost importance to ensure transparency and a fair level playing field. The protection of right holders within the copyright and intellectual property framework is necessary in order to ensure recognition

of values and stimulation of innovation, creativity, investment and production of content.

Or. en

Amendment 92

Peter Kouroumbashev

Proposal for a directive

Recital 38

Text proposed by the Commission

Amendment

(38) Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council ³⁴. *deleted*

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. bg

Amendment 93

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 38

Text proposed by the Commission

Amendment

(38) *Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.* **deleted**

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or

other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 94

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

deleted

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 95

Christian Ehler, Pervenche Berès

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of
PE592.364v01-00

Amendment

Digital platforms are means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. Consideration is to be made of how this process can function with more legal certainty and respect for right holder. Transparency, a fair level playing field and protection of right holders within the copyright and intellectual property framework are necessary in order to ensure recognition of values and stimulation of innovation, creativity, investment and production of content.

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

It is essential to clarify the limited liability provided by Article 14 of the E-Commerce Directive: Liability exemptions only apply to genuinely neutral and passive online providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of

information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 96

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers *store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public*, they are obliged to *conclude licensing agreements with rightholders, unless they are* eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Amendment

Where *an* information society service *is provided that consists of the storage of information provided by a recipient of the service and providers of the service enable users to upload works in such a way as to make them available to the public and obtains knowledge after receiving notification by the rightholders that the work is used in an unauthorised manner and subject to copyright and related rights*, they are obliged to *take that content down in order to be* eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. *However, it is in the interests of all parties involved that the content remain online. Therefore, the possibility of concluding a licensing agreement between rightholders and the service providers on fair and reasonable terms for that purpose should be enabled. In order to ensure that notifications of works subject to copyright and related rights are valid, rightholders should provide service providers with an accurate identification of both the protected works and the uploaded content deemed to be unauthorised, including its exact location. To prevent misuses or abuses of notifications, and protect freedom of information and expression and the limitations and exceptions to copyright law, users should have access to redress and complaint mechanisms.*

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).*

Or. en

Amendment 97

Angelika Niebler, Herbert Reul, Christian Ehler, Pascal Arimont

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public ***and an act of reproduction***, they are obliged to conclude licensing agreements with rightholders ***to protect the legitimate interest of the rightholder***, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴. ***However, liability exemptions can only apply to genuinely neutral and passive online providers, and not to services that play an active role in distributing, promoting and monetising content at the expense of creators.***

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 98

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Information society service providers **that** store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public ***initiated by their users uploading such works and other subject-matter***, they are obliged to conclude licensing agreements with rightholders ***both for the communication to the public and reproduction rights in which they play an indispensable role***, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 99

Miroslav Poche

Proposal for a directive

Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers ***store and provide access to the public to*** copyright protected works or

Amendment

Information society service providers ***whose active role enables them to have knowledge of or control over***

other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, **they** are obliged to conclude **licensing** agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

stored data or to otherwise change or interfere with copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, are obliged to conclude agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC ³⁴ of the European Parliament and of the Council.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. cs

Amendment 100

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

Amendment

Where information society service providers **that** store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public **and reproduction**, they are obliged to conclude licensing agreements with rightholders. **Information society service providers that play an active role are not exempt** unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴ .

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 101

Michał Boni

Proposal for a directive Recital 38 – paragraph 1

Text proposed by the Commission

Where information society service providers *store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public*, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability *exemption* provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Amendment

Where information society service providers *offer the service to users to store and provide access to the public of content and where this activity is not of a mere technical, automatic and passive nature*, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability *regimes* provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

Or. en

Amendment 102

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

Amendment 103

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

Amendment 104

Michał Boni

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Amendment 105

Miroslav Poche

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

deleted

Or. cs

Amendment 106

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefore. An information society service provider shall be obliged to acquire licenses for copyright protected content regardless of whether they have editorial responsibility for that content. The licenses acquired by information society service providers from rightsholders should be deemed to cover all user generated content by their users, including users that are acting for non-commercial purposes. This will provide

legal certainty for individual users of such services whilst clarifying the liability of platforms.

Or. en

Amendment 107

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

Amendment

In respect of Article 14 *of the Directive 2000/31/EC*, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor. *The service providers playing such an active role are ineligible for the liability exemption of such Article 14.*

Or. en

Amendment 108

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are

Amendment

deleted

*eligible for the liability exemption
provided in Article 14 of Directive
2000/31/EC.*

Or. en

Amendment 109

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

*In order to ensure the functioning of any
licensing agreement, information society
service providers storing and providing
access to the public to large amounts of
copyright protected works or other
subject-matter uploaded by their users
should take appropriate and proportionate
measures to ensure protection of works or
other subject-matter, such as
implementing effective technologies. This
obligation should also apply when the
information society service providers are
eligible for the liability exemption
provided in Article 14 of Directive
2000/31/EC.*

deleted

Or. en

Amendment 110

Michal Boni

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any
licensing agreement, information society
service providers *storing and providing
access to the public to large amounts of
copyright protected works or other
subject-matter uploaded by their users*
should take appropriate and proportionate

In order to ensure the functioning of any
licensing agreement, information society
service providers *actively and directly
involved in users uploading and making
works available to the public* should take
appropriate and proportionate measures to
ensure protection of works or other

measures to ensure protection of works or other subject-matter, *such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.*

subject-matter.

Or. en

Amendment 111
Miroslav Poche

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any *licensing* agreement, information society service providers *storing and providing access to the public to large amounts of* copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should *also* apply *when the* information society service providers *are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.*

Amendment

In order to ensure the functioning of any agreement, information society service providers *whose active role enables them to have knowledge of or control over stored data or to otherwise change or interfere with* copyright protected works or other subject-matter uploaded by their users, *as well as to provide access to the public to such data,* should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should *only* apply *to those* information society service providers *that have significant market power.*

Or. cs

Amendment 112
José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive
Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any
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Amendment

In order to ensure the functioning of any

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licensing agreement, information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

licensing agreement, information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. en

Amendment 113

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive Recital 38 – paragraph 3

Text proposed by the Commission

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

Or. en

Amendment 114

Peter Kouroumbashev

Proposal for a directive

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EN

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

deleted

Or. bg

Amendment 115

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to

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identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 116

Michał Boni

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their

deleted

content covered by an agreement.

Or. en

Amendment 117

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. ***Those technologies should not require the identity of uploaders, thus not posing any risk for privacy of individual end users. On the contrary, those technologies should involve a highly targeted technical cooperation of rightholders and information society service providers based on data provided by rightholders in order to prevent the availability of specifically identified and duly notified works or other subject-matter, therefore being fully compatible with Article 15 of Directive 2000/31/EC and the European***

Amendment 118

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody, Virginie Rozière

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers storing and providing access to the public to **large** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to **significant** amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. ***Those technologies should not require the identity of individual users uploading content and should not process data relating to individual users, in accordance with Directive 95/46/EC, Directive 2001/58/EC and the General Data Protection Regulation 2016/679. On the contrary it should be limited to preventing the availability of specifically identified and duly notified works based on the information provided by right holders and***

therefore does not lead to a general monitoring obligation.

Or. en

Amendment 119

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Collaboration between information society service providers *storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.*

Amendment

(39) Collaboration between information society service providers *and rightholders is essential to facilitate the accurate identification of unauthorised works online. Appropriate safeguards should however be put in place where they agree on the introduction of voluntary measures to ensure that these do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental rights of the European Union in particular their rights to the use of works made in accordance with an exception or limitation to copyright.*

Or. en

Amendment 120

Miroslav Poche

Proposal for a directive

Recital 39

(39) Collaboration between information society service providers ***storing and providing access to the public to large amounts of*** copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

(39) Collaboration between information society service providers ***whose active role enables them to have knowledge of or control over stored data or to otherwise change or interfere with*** copyright protected works or other subject-matter uploaded by their users and rightholders, ***as well as to provide access to the public to such data***, is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. cs

Amendment 121

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Recital 39

(39) ***Collaboration*** between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the

(39) ***Welcomes*** collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the

necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.

Or. en

Amendment 122

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Jens Geier, Virginie Rozière

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *tend to be* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *or* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

Amendment

(40) Certain rightholders such as authors and performers need information to assess the economic value of their rights which are harmonised under Union law. This is especially the case where such rightholders grant a licence or a transfer of rights in return for remuneration. As authors and performers *are* in a weaker contractual position when they grant licences or transfer their rights, they need information to assess the continued economic value of their rights, compared to the remuneration received for their licence or transfer, but they often face a lack of transparency. Therefore, the sharing of adequate information by their contractual counterparts *and subsequent transferees or licenses, as well as* their successors in title is important for the transparency and balance in the system that governs the remuneration of authors and performers.

The reporting and transparency obligation should follow the work across all forms of exploitation and across borders.

Or. en

Amendment 123
Rolandas Paksas

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. ***The transparency obligation should not apply to works made under employment arrangements or when the contribution of the author or performer is not significant having regard to the overall work or performance, including in particular audio-visual works and collective works.*** Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, ***in particular regarding arrangements concluded for the content of radio services or of audiovisual media services under Directive 2010/13/EU,*** a transitional period should be provided for. The transparency obligations do not need to apply to ***cases where the relevant contract or remuneration is based on collective bargaining, collective rights management or other collective arrangements or on joint remuneration agreements,*** including agreements concluded with collective management organisations as those are already subject to transparency obligations

Amendment 124

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Virginie Rozière

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States should consult all relevant stakeholders as that should help determine sector-specific requirements, ***standard reporting statements and procedures***. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU. ***Directive 2014/26/EU, on the condition that Member States have transposed Directive 2014/26/EU and taken all necessary measures to ensure that the management of all collective management organisations is carried out in an effective and equitable manner. Member States should also ensure that collective management organisations act in the best interest of the rightsholders, ensuring the accurate and regular distribution of payment and production of an annual public transparency report, in compliance***

Amendment 125

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States ***should consult all relevant stakeholders as that should help*** determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment

(41) When implementing transparency obligations, the specificities of different content sectors and of the rights of the authors and performers in each sector should be considered. Member States ***shall ensure that the representative organisations of all relevant stakeholders*** determine sector-specific requirements. Collective bargaining should be considered as an option to reach an agreement between the relevant stakeholders regarding transparency. To enable the adaptation of current reporting practices to the transparency obligations, a transitional period should be provided for. The transparency obligations do not need to apply to agreements concluded with collective management organisations as those are already subject to transparency obligations under Directive 2014/26/EU.

Amendment 126

Rolandas Paksas

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to

renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, ***Member States may introduce, in cases where the transparency obligation applies,*** there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits ***profits directly*** derived from the exploitation of the ***relevant*** work or the fixation of the ***relevant*** performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority. ***Member States may provide that this right expires if it is not exercised within a reasonable period from the relevant exploitation.***

Or. en

Amendment 127

Eva Kaili

Proposal for a directive

Recital 46

Text proposed by the Commission

(46) Any processing of personal data under this Directive should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and must be in compliance with Directive 95/46/EC of the European Parliament and of the Council³⁵ and Directive 2002/58/EC

Amendment

(46) Any processing of personal data under this Directive should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and must be in compliance with Directive 95/46/EC of the European Parliament and of the Council³⁵ and Directive 2002/58/EC

of the European Parliament and of the Council³⁵.

³⁵ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31–50). This Directive is repealed with effect from 25 May 2018 and shall be replaced by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).

³⁶ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37–47), called, as amended by Directives 2006/24/EC and 2009/136/EC, the “e-Privacy Directive”.

of the European Parliament and of the Council³⁶. ***In the future, the provisions of the General Data Protection Regulation, including the "right to be forgotten" should be respected.***

³⁵ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31–50). This Directive is repealed with effect from 25 May 2018 and shall be replaced by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).

³⁶ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37–47), called, as amended by Directives 2006/24/EC and 2009/136/EC, the “e-Privacy Directive”.

Or. en

Amendment 128

Eva Kaili

Proposal for a directive

Recital 46 a (new)

Text proposed by the Commission

Amendment

(46 a) It is important to stress out the importance of anonymity, when handling personal data for commercial purposes. Additionally, the "by default" not sharing

option with regards to personal data while using online platform interfaces should be promoted.

Or. en

Amendment 129

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 130

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 2 – paragraph 4

Text proposed by the Commission

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Amendment

deleted

Amendment 131

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) "lawful access" means access to content acquired in a lawful manner

Or. en

Amendment 132

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Mary Honeyball, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations, ***not-for-profit organisations and/or citizens*** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

Amendment 133

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC **and** Article 11(1) of this Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 11(1) of this Directive, **and Article 4(1)(a) of Directive 2009/24/EC** for reproductions and extractions made by **persons or legal entities** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

Amendment 134
Rolandas Paksas

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions **made by research organisations** in order to carry out text and data mining of works or other subject-matter to which **they** have lawful access **for the purposes of scientific research**.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, **Article 4(1) of Directive 2009/24/EC** and Article 11(1) of this Directive for reproductions and extractions in order to carry out text and data mining of works or other subject-matter to which **persons** have lawful access.

Or. en

Amendment 135
Cornelia Ernst

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an
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Amendment

1. Member States shall provide for an

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exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made *by research organisations* in order to carry out text and data mining of works or other subject-matter to which they have lawful access *for the purposes of scientific research*.

exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter to which they have lawful access.

Or. en

Amendment 136
Miroslav Poche

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by *research organisations* in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by *any entities, regardless of their legal form or focus*, in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. cs

Amendment 137
Michèle Rivasi
on behalf of the Verts/ALE Group

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by **research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access** for the **purposes of scientific research**.

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions **to be** made by **a natural or legal person who has lawful access to** works **and** other subject-matter, **provided that reproduction or extraction is used** for the **sole purpose of text and data mining**.

Or. en

Amendment 138

Angelika Niebler, Herbert Reul, Pascal Arimont

Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of **non-commercial use such as** scientific research.

Or. en

Amendment 139

Anne Sander, Françoise Grossetête

Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by

research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access **acquired** for the purposes of scientific research.

Or. en

Amendment 140

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for rightholders who market works or other subject-matter primarily for research purposes, to have an obligation to allow public interest research organisations not having lawful access to those works or other subject-matter access to datasets that enable them to carry out only text and data mining. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as that compensation is related to the cost of formatting these datasets.

Or. en

Amendment 141

Pilar del Castillo Vera

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. article 3 – paragraph 1

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and

Article 11(1) of this Directive for reproductions and extractions made by researchers, industry, public and private organisations, startups and individuals in order to carry out text and data mining of works or other subject-matter to which they have lawful access.

Or. en

Amendment 142
Patrizia Toia

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Text and data mining for research and teaching purposes without commercial exploitation should be the subject of an exception allowing access and use without compensation of rightsholders;

Or. en

Amendment 143
Cornelia Ernst

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Rightholders shall be allowed to apply measures to ensure the security *and integrity* of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve *that* objective.

3. Rightholders shall *not* be allowed to apply measures *that have the effect of limiting the exception provided for in paragraph 1. Measures* to ensure the security of the networks and databases where the works or other subject-matter are hosted *may be applied*. Such measures shall not go beyond what is necessary to achieve *the* objective *of network security. These measures should not prevent or unreasonably restrict the ability to text and data mine or the ability to develop*

text and data mining tools different from those offered by the rightholders.

Or. en

Amendment 144

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

**Proposal for a directive
Article 3 – paragraph 3**

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall ***not*** be allowed to apply ***technological*** measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to*** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures ***shall be transparent, non-discriminatory, proportionate and*** shall not go beyond what is necessary to achieve that objective.

Or. en

Amendment 145

Rolandas Paksas

**Proposal for a directive
Article 3 – paragraph 3**

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ***ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.***

Amendment

3. Rightholders shall ***not*** be allowed to apply ***technological*** measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to ensure the security of the networks and databases where the works or other subject-matter are hosted.***

Or. en

Amendment 146
Michal Boni

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security **and integrity** of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall be allowed to apply measures to ensure the security of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Or. en

Amendment 147
Cornelia Ernst

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. ***Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.***

Amendment

deleted

Or. en

Amendment 148
Theresa Griffin, Jude Kirton-Darling, Mary Honeyball, Clare Moody

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. ***Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.***

Amendment

deleted

Amendment 149

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and **research organisations** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and **beneficiaries** to define commonly-agreed best practices **across the Union** concerning the **development of technologies implementing the exception provided for in paragraph 1 as well as the** application of the measures referred to in paragraph 3. **These best practices shall be made easily and effectively accessible to the public.**

Or. en

Amendment 150

Rolandas Paksas

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders **and research organisations to define commonly-agreed best practices concerning the application** of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders **to make technological measures that might impact upon use** of the **exception provided for** in Paragraph 1 **transparent to the public.**

Or. en

Amendment 151

Esther de Lange

Proposal for a directive

Article 3 – paragraph 4 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

5. Research organisations conducting text and data mining shall apply measures ensuring data retrieved by the text and data mining process is not being stored longer than necessary for the purposes of the research

Or. en

Amendment 152

Theresa Griffin, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Article 3 – paragraph 4 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Legal redress should be available for those under excessive circumstances referenced under Paragraph 3.

Or. en

Amendment 153

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall designate a facility to store datasets used in research by text and data mining technologies securely and to make such datasets accessible only for verification purposes. The European Commission shall elaborate guidelines and take steps in order to primarily achieve interoperability, with a view towards greater integration in the European Science Cloud;

Amendment 154

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Copies of content obtained for mining text and data must be kept in a secure way, must be deleted after a reasonable time and may not be stored or preserved in any manner or form following the end of the TDM project. Any resulting TDM copies stored or preserved for longer than what is reasonable, shall constitute infringing copies.

Or. en

Amendment 155

Rolandas Paksas

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in ***digital and cross-border*** teaching activities

Use of works and other subject-matter in teaching activities

Or. en

Amendment 156

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception ***or limitation*** to the rights

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1. Member States shall provide for an exception to the rights provided for in

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provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article **4(1) of Directive 2009/24/EC** and Article **11(1) of this Directive** in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article **11(1) of this Directive** and Article **4(1) of Directive 2009/24/EC** in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching **or scientific research, including private study**, to the extent justified by the non-commercial purpose to be achieved, provided that the use **is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.**

Or. en

Amendment 157
Rolandas Paksas

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the **digital** use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, **Article 4(1) of Directive 2009/24/EC** and Article 11(1) of this Directive in order to allow for the use of works and other subject-matter for the sole purpose of illustration for teaching **or scientific research**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 158
Cornelia Ernst

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 159

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or research***, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 160

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;*

deleted

Or. en

Amendment 161

Rolandas Paksas

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or *other education venue, such as cultural heritage institutions, or research organisations* or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff, *or registered members of the cultural heritage institution involved in informal education;*

Or. en

Amendment 162

Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational *establishment's* pupils or students *and* teaching staff;

(a) takes place on the premises of an educational establishment, *whether formal or non-formal*, or through a secure electronic network accessible only by the educational *establishment* pupils or students, teaching staff, *or registered*

member;

Or. en

Amendment 163

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) *takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;*

Amendment

(a) *is restricted to the specifically limited circle of those taking part in the teaching activity such as* pupils or students and teaching staff;

Or. en

Amendment 164

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) *is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.*

Amendment

deleted

Or. en

Amendment 165

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) *is accompanied by the indication of*

Amendment

(b) *is accompanied by the indication of*

the source, including the author's name,
unless this turns out to be impossible.

the source, including the author's name,
where this is possible with a reasonable effort.

Or. de

Amendment 166

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 167

Cornelia Ernst

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

deleted

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 168

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

deleted

Or. en

Amendment 169

Patrizia Toia

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available *in* the market.

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available *on* the market *under conditions that are fair and in line with the actual possibility for establishments to purchase them in view of their budgetary constraints.*

Or. it

Amendment 170

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate *licences* authorising the acts described in paragraph 1 *are easily available in the market*.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate *extended collective licencing agreements* authorising the acts described in paragraph 1 *exist and are tailored to the needs and specificities of educational establishments*.

Or. en

Amendment 171

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

deleted

Or. en

Amendment 172

Theresa Griffin, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall

Amendment

Member States availing themselves of the provision of the first subparagraph shall

take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

take the necessary measures to ensure appropriate availability and visibility of the licences, ***through an easily accessible database***, authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 173
Cornelia Ernst

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 174
Cornelia Ernst

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

deleted

Or. en

Amendment 175
Rolandas Paksas

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment ***cultural heritage institution or research organization*** is established.

Or. en

Amendment 176

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***educational establishment*** is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study,*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***beneficiary*** is established.

Or. en

Amendment 177
Rolandas Paksas

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for ***the harm incurred by***

Amendment

4. Member States may provide for fair compensation for ***any unreasonable***

the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

prejudice to the legitimate interests of rightholders *incurred* due to the use of their works or other subject-matter pursuant to paragraph 1.

.

Or. en

Amendment 178

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for *the harm incurred by the* rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. **4.** Member States may provide for fair compensation for *any unreasonable prejudice to the legitimate interests of* rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 179

Theresa Griffin, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for *the* harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for *any undue financial* harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 180

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States **may** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States **should** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 181
Cornelia Ernst

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for the ***harm incurred by the*** rightholders due to ***the*** use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for the rightholders due to ***undue*** use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 182
Theresa Griffin, Miriam Dalli, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, ***research organisations and educational establishments, both formal and non-***

any format or medium, for the *sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.*

formal, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the *purposes of* preservation, *research and education.*

Or. en

Amendment 183
Rolandas Paksas

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, *research organisations, and educational establishments* to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 184
Fredrick Federley, Marietje Schaake, Kaja Kallas

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive

96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Or. en

Justification

Certain services within the European economy have always been developed and taken place in public spaces. The limitation of access are re-use of such spaces by authors, who have been already paid for the permanent installation of their work, would restrict industrial activity, market access and innovation

Amendment 185

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to foster innovation and cooperation in the field of scientific research, Member States should establish national public platforms offering open access services. These platforms should be interoperable with public platforms of other Member States and with a European-wide platform, established by the European Union. Research works financed by public funds should be deposited on these public platforms after a period of six months for life sciences and 12 months for social sciences, regardless of existing licensing agreements.

Or. en

Amendment 186

Theresa Griffin, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Amendment

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce. ***In the event that a collective management organisation does not exist or adequately represent the rights of rightholders, Member States should provide exceptions for cultural heritage institutions, research organisations and educational establishments, both formal and non-formal, to distribute, communicate to the public or make available out-of-commerce-works for non-commercial purposes. Member States should ensure appropriate remuneration for any unreasonable prejudice to the legitimate interests of the rightholders and ensure that all rightholders may at any time object to the use of their works.***

Or. en

Amendment 187

Theresa Griffin, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other

Amendment

Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other

relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ***including resolving issues where cultural heritage institutions activities in line with Article 7 and Article 8 are not being reasonably enabled, and*** ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. en

Amendment 188

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC

and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 189

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1

shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 190
Cornelia Ernst

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***Protection of press publications
concerning digital uses***

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of

publication.

Or. en

Amendment 191

Miroslav Poche

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

***Protection of press publications
concerning digital uses***

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. cs

Amendment 192
Miriam Dalli, Giorgos Grammatikakis

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Amendment

Protection of press publications
concerning digital uses

Protection of press publications

Or. en

Justification

Print editions are worth as much protection as digital editions. For this reason it is essential to ensure that rights are granted for both digital and non-digital use and remove any wording that can exclude non-digital uses.

Amendment 193
Zdzisław Krasnodebski

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. *Member States* shall *provide publishers of press publications with the* rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

1. *When a contract concerning press publications is concluded, individually or collectively, by authors with a publisher, the author covered by this contract shall be presumed, subject to contractual clauses to the contrary, to have transferred his* rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. en

Amendment 194
Miriam Dalli, Giorgos Grammatikakis

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the **digital** use of their press publications.

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Justification

Print editions are worth as much protection as digital editions. For this reason it is essential to ensure that rights are granted for both digital and non-digital use and remove any wording that can exclude non-digital uses.

Amendment 195

Angelika Niebler, Herbert Reul, Pascal Arimont

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the **digital** use of their press publications.

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications.

Or. en

Amendment 196

Zdzisław Krasnodebski

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be***

deleted

invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en

Amendment 197

Angelika Niebler, Herbert Reul, Pascal Arimont, Esther de Lange

Proposal for a directive

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The rights to referred in paragraph 1 shall not extend to acts of hyperlinking as they do not constitute communication to the public.

Or. en

Amendment 198

Zdzisław Krasnodębski

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

deleted

Or. en

Amendment 199

Zdzisław Krasnodębski

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

deleted

Or. en

Amendment 200

Angelika Niebler, Pascal Arimont

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

4. The rights referred to in paragraph 1 shall expire **15** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 201

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Virginie Rozière

Proposal for a directive

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States should ensure that a fair share of the revenue derived from the uses of the press publishers rights is attributed to journalists.

Or. en

Amendment 202

Anne Sander, Françoise Grossetête

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, ***this publisher is right holder by virtue and to the extent of*** such a transfer or a licence. ***Therefore, this transfer of licence*** constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception ***or statutory collective licensing*** or limitation to the transferred or licensed right.

Or. en

Amendment 203
Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive
Chapter 4 – title

Text proposed by the Commission

Certain uses of protected content by online services

Amendment

Certain uses of protected content by ***the users of*** online services

Or. en

Amendment 204
Peter Kouroumbashev

Proposal for a directive
Article 13

Text proposed by the Commission

Article 13

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by

Amendment

deleted

their users

1.Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2.Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3.Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. bg

Amendment 205
Cornelia Ernst

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment 206

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Use of protected content by *information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

Amendment

Use of protected content by *users of certain information society services*

Amendment 207

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to *large* amounts of works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing and giving access to *significant* amounts of works and other subject-matter uploaded by their users

Amendment 208

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the

deleted

Amendment

public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 209

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large** amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning

PE592.364v01-00

Amendment

1. ***I.*** Information society service providers that store and provide to the public access to ***copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public initiated by their users uploading such works or other subject-matter, shall conclude licensing agreements with rightholders both for communication to the public and reproduction rights, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

2. The liability exemption provided in Article 14 of Directive 2000/31/EC shall

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and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

not apply to the activities of information society service providers which make protected works and other subject matter available to the public and play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them.

3. The licensing agreements referred to in paragraph 1 shall be deemed to cover the acts carried out by the users of the information society service providers aforementioned, provided that the users are not acting on a professional basis.

4. Information society service providers that store and provide to the public access to significant amounts of copyright protected works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate **and timely** reporting on the recognition and use of the works and other subject-matter.

5. Member States shall ensure that the service providers referred to in paragraph 4 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 4.

6. Information society service providers that take measures referred to in paragraph 4 shall ensure that such measures are in full compliance with Article 15 of Directive 2000/31/EC and the European Charter of Fundamental Rights.

7. Member States shall facilitate, where appropriate, the cooperation between the

information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 210
Massimiliano Salini

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large amounts of** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter **or** to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. **The** service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to **copyright-protected** works or other subject-matter uploaded by their users, **above and beyond the mere technical, automatic and passive provision of physical facilities, must conclude licensing agreements with rightholders not enjoying, in this case, the liability exemption provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. In cases where information society service providers are covered by the liability exemption under Article 14 of Directive 2000/31/EC they** shall, in cooperation with **the** rightholders, take measures to ensure the functioning of agreements concluded with **the** rightholders for the use of their works or other subject-matter **and** to prevent the availability on their services of works or other **protected** subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. **In both cases, the** service providers shall provide rightholders with adequate

information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. it

Amendment 211

Patrizia Toia

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large amounts of** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to **forestall and** prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. ***Failure to take such measures or to implement them and/or other types of cooperation indicated shall involve the liability of the service provider, including as regards the payment of compensation to rightholders, whenever the rights are violated by the users of those services;***

Or. it

Amendment 212
Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that ***store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The*** service providers ***shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

Amendment

1. Information society service providers that store ***information provided by a recipient of the service and enable users to upload works in such a way as to make them available to the public shall, upon obtaining knowledge or awareness that an uploaded work subject to copyright and other related rights is used in an unauthorised manner, act expeditiously to remove or to disable access to the content, except where service providers conclude a licensing agreement with rightholders enabling the content to remain available.***

Or. en

Amendment 213
Miroslav Poche

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that ***store and provide to the public access to large amounts of*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or

Amendment

1. Information society service providers that ***whose active role enables them to have knowledge of or control over stored data or to otherwise change or interfere with*** works or other ***protected*** subject-matter uploaded by their users, ***as well as to provide access to the public to such data,*** shall, in cooperation with

other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. cs

Amendment 214

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to **large** amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as

Amendment

1. Information society service providers that store and provide to the public access to **significant** amounts of works or other subject-matter uploaded by their users shall, **conclude licensing agreements with rightholders. These services shall**, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with

well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 215

Angelika Niebler, Herbert Reul, Pascal Arimont

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter **or** to prevent the availability on their services of works or other subject-matter identified by rightholders through **the cooperation with the service providers**. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to large amounts of **copyright protected** works or other subject-matter uploaded by their users, **thus going beyond the mere technical, automatic and passive provision of physical facilities**, shall, in cooperation with rightholders, take **effective** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter **and** to prevent the availability on their services of works or other **protected** subject-matter identified by rightholders through. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 216

Zdzisław Krasnodębski

Proposal for a directive

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Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that ***store and provide*** to the public ***access to large amounts of*** works or other subject-matter ***uploaded by their users shall, in cooperation with rightholders***, take measures to ensure the functioning of agreements concluded with rightholders ***for the use of their works or other subject-matter or to prevent the availability on their services of*** works or other subject-matter ***identified by rightholders through the cooperation with the service providers***. Those measures, ***such as the use of effective content recognition technologies***, shall ***be appropriate and proportionate***. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of ***the*** works and other subject-matter.

Amendment

1. Information society service providers that ***are actively and directly involved in the making available*** to the public ***of user uploaded copyright protected*** works or other subject-matter ***and where this activity is not of a mere technical, automatic and passive nature*** shall take measures to ensure the functioning of agreements concluded with rightholders ***governing the use of such content in order to ensure fair and appropriate compensation for rightholders unless the*** works ***and*** other subject-matter ***concerned are subject to exceptions or free licences***. The implementation of such agreements shall respect users' fundamental right to privacy and the right of rightholders to fair remuneration. At the request of rightholders, the service providers shall ***provide them with*** adequate reporting on the recognition and use of ***their*** works and other subject-matter.

Or. en

Amendment 217

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to be valid, the notification of an unauthorised protected content shall include, in particular, the identification by the rightholder of the work subject to copyright and related rights claimed to have been infringed and the identification of the uploaded work, including its exact location, that is considered to be using work subject to copyright and related rights.

Amendment 218

Angelika Niebler, Herbert Reul, Pascal Arimont

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The service provider referred to in paragraph 1 shall not benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council^{1a}.

^{1a} Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)

Amendment 219

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

deleted

Amendment 220

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

deleted

Or. en

Amendment 221

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. *These mechanisms shall in particular ensure that where the removal of the content referred to in paragraph 1 is not justified, the content in question shall be reinstated online within a reasonable time. As a last resort, Member States shall ensure the possibility of judicial redress.*

Or. en

Amendment 222

Eva Kaili

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place ***complaints*** and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place ***effective mechanisms, including for complaint*** and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Or. en

Amendment 223

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In order to ensure uniform protection of users and rightholders across the Union, the European Commission shall develop guidelines on the conditions that need to be met for the validity of the notification referred to in paragraph 1a and for the complaint and redress mechanisms referred to in paragraph 2.

Or. en

Amendment 224

Miroslav Poche

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Member States shall ensure that the obligation referred to in paragraph 1 only applies to those information society service providers that have significant market power.

Amendment 225

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate, *deleted*
where appropriate, the cooperation
between the information society service
providers and rightholders through
stakeholder dialogues to define best
practices, such as appropriate and
proportionate content recognition
technologies, taking into account, among
others, the nature of the services, the
availability of the technologies and their
effectiveness in light of technological
developments.

Or. en

Amendment 226

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate, *deleted*
where appropriate, the cooperation
between the information society service
providers and rightholders through
stakeholder dialogues to define best
practices, such as appropriate and
proportionate content recognition
technologies, taking into account, among
others, the nature of the services, the
availability of the technologies and their
effectiveness in light of technological
developments.

Or. en

Amendment 227

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.***

Amendment

3. ***The Commission, in cooperation with*** Member States shall facilitate, where appropriate, the cooperation between the information society service providers ***referred to in paragraph 1, users*** and rightholders through stakeholder dialogues to define best practices ***for the implementation of paragraph 1.***

Or. en

Amendment 228

Zdzisław Krasnodebski

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 229

Eva Kaili

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate ***content recognition technologies***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices ***for the implementation of***, such as appropriate and proportionate ***measures***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

Amendment 230

Cora van Nieuwenhuizen, Kaja Kallas

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall ensure that where service providers take voluntary measures, these measures do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental Rights of the European Union, in particular their rights to the use of works made within an exception or limitation to copyright.

Or. en

Amendment 231

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Information society service providers that take measures referred to in paragraph 1, shall ensure that such measures are in full compliance with Directive 95/46/EC and Directive 2002/58/EC, and the General Data Protection Regulation 2016/679.

Or. en

Amendment 232

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Licensing agreements for information society service providers that store and provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their users

1. Information society service providers that store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public and of reproduction, shall conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament

and of the Council.

2. Service providers that play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, are not eligible for the safe harbour liability exemption.

3. Licenses acquired by information society service providers shall cover all the acts of their individual users, which are not for direct or indirect economic or commercial advantage.

Or. en

Amendment 233

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Unwaivable right to remuneration

1. Member States shall ensure that when an audiovisual author has transferred or assigned his or her making available right to a producer, that author shall retain the right to obtain an equitable remuneration.

2. This right to obtain an equitable remuneration for the making available of the author's work is inalienable and cannot be waived.

3. The administration of this right to obtain an equitable remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for the making available right

4. Authors' collective management organisations shall collect the equitable remuneration from audiovisual media services making audiovisual works available to the public.

Or. en

Amendment 234
Pervenche Berès

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Protection of audiovisual authors for the making available of their works

- 1. Member States shall ensure that when an audiovisual author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain an equitable and proportionate remuneration.***
- 2. This right to obtain an equitable and proportionate remuneration for the making available of the author's work is inalienable and cannot be waived.***
- 3. The administration of this right to obtain an equitable and proportionate remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for their making available right.***
- 4. Authors' collective management organisations shall collect the equitable and proportionate remuneration from audiovisual media services making audiovisual works available to the public.***

Amendment 235**Barbara Kappel, Angelo Ciocca, Lorenzo Fontana****Proposal for a directive****Article 14 – paragraph 1***Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and ***no less than once a year and*** taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights ***as well as subsequent transferees or licensees***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 236**Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Jens Geier****Proposal for a directive****Article 14 – paragraph 1***Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive ***on a regular basis*** and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive ***at least once a year*** and taking into account the specificities of each sector, ***accurate***, timely, adequate and sufficient information on the exploitation ***and promotion*** of their works and performances from those to whom they have licensed or transferred their rights, ***including subsequent transferees or licensees***, notably as regards modes of ***promotion***, exploitation, revenues generated and remuneration due.

Amendment 237

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works, ***including scientific works***, and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, ***modes of promotion***, revenues generated and remuneration due.

Or. en

Amendment 238

José Blanco López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and ***no less than once a year and*** taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 239

Rolandas Paksas

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Amendment

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have **directly** licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

Amendment 240

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure **an appropriate** level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure **a high** level of transparency in every sector.

Or. en

Amendment 241

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***high*** level of transparency in every sector, ***as well as a right of authors to audit***. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

Amendment 242

Esther de Lange

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Amendment

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

Amendment 243

Eva Kaili

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Notes the importance of innovative solutions based on distributed ledger technologies, such as the use of smart contracts that could facilitate agreements and transactions between parties making them more transparent, effective and less costly.*

Or. en

Amendment 244

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Pervenche Berès, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Member States shall ensure that sector-specific standard reporting statements and procedures are developed through stakeholder dialogues.*

Or. en

Amendment 245

Rolandas Paksas

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that the obligation in paragraph 1 does not apply

3. Member States may decide that the obligation in paragraph 1 does not apply **to**

when the contribution of the author or performer is not significant having regard to the overall work or performance.

works made under employment arrangements, to audio-visual works and collective works or when the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

Amendment 246

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is ***not significant*** having regard to the overall work or performance.

Amendment

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is ***marginal*** having regard to the overall work or performance.

Or. de

Amendment 247

Rolandas Paksas

Proposal for a directive

Article 14 – paragraph 4

Text proposed by the Commission

4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.

Amendment

4. Paragraph 1 shall not be applicable to entities subject to ***cases where the relevant contract or remuneration is based on collective bargaining, collective rights management or other collective arrangements or on joint remuneration agreements, including with*** the transparency obligations established by Directive 2014/26/EU.

Or. en

Amendment 248

**Theresa Griffin, Miriam Dalli, José Blanco López, Inmaculada Rodríguez-Piñero
Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Jeppe Kofod, Mary
Honeyball, Julie Ward, Clare Moody**

Proposal for a directive

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

***Unwaivable right to fair remuneration for
authors and performers***

***1. Member States shall ensure that when
authors and performers transfer or assign
their right of making available to the
public, they retain the right to obtain a
fair remuneration derived from the
exploitation of their work.***

***2. The right of an author or performer to
obtain a fair remuneration for the making
available of their work is inalienable and
cannot be waived.***

***3. The administration of this right to fair
remuneration for the making available of
an authors or performers work shall be
entrusted to their collective management
organisations, unless other collective
agreements, including voluntary collective
management agreements, guarantee such
remuneration to authors, audio-visual
authors and performers for their making
available right.***

***4. Collective management organisations
shall collect the fair remuneration from
information society services making
works available to the public.***

Or. en

Amendment 249

Rolandas Paksas

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant **revenues and benefits** derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that, ***in cases where paragraph 1 of Article 14 applies***, authors and performers are entitled to request additional, appropriate remuneration from the party with whom they ***directly*** entered into a contract for the exploitation of the rights when the ***author or performer demonstrates that the*** remuneration originally agreed is disproportionately low compared to the subsequent ***unexpected*** relevant ***profits directly*** derived from the exploitation of the works or performances. ***Member States may provide that this right expires if it is not exercised within a reasonable period from the relevant exploitation.***

Or. en

Amendment 250

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

**Proposal for a directive
Article 15 – paragraph 1**

Text proposed by the Commission

Member States shall ensure that authors and performers are entitled to request additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Amendment

Member States shall ensure that authors and performers, ***or representatives they appoint***, are entitled to request additional, ***fair*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

**Amendment 251
Michèle Rivasi**

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on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that authors and performers or their representative organisations are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the unanticipated subsequent relevant net revenues and benefits derived from the exploitation of the works or performances.

Or. en

Amendment 252

Theresa Griffin, José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Giorgos Grammatikakis, Jude Kirton-Darling, Jeppe Kofod, Mary Honeyball, Julie Ward, Clare Moody, Alessia Maria Mosca

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Rights reversion mechanism

1. Member States shall ensure that authors and performers that are in a contractual relationship with ongoing payment obligations, may terminate the contract by which they have licensed or transferred their rights when there is a complete absence of exploitation of their works and performances, a persistent failure to pay the remuneration agreed or a complete lack of reporting and transparency.

2. The right to terminate the contract on the transfer of licencing of rights may be exercised if within a year from the

notification by the performer or author of this intention to terminate the contract, the contracting party fails to fulfil its contractual obligation with regards to the payment of the remuneration agreed. With regards to the absence of exploitation of a work and the complete lack of reporting and transparency the right to terminate the contract on the transfer or licencing of rights may be exercised if within five years from the notification by the performer or author of their intention to terminate the contract, the contracting party fails to fulfil its contractual obligations.

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

Amendment 253
Esther de Lange

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Amendment

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure. *Member States shall ensure that authors and performers can submit the dispute anonymously through an authorized person or organization.*

Or. en

Amendment 254
Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Amendment

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.
The principles that needs to guide the dispute resolution are the celerity and the lowest cost for the authors and performers;

Or. en

Amendment 255
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proceedings in respect of a dispute may also be brought on behalf of authors and performers by their representative organisations, whether collective management organisations, unions or guilds.

Or. en

Amendment 256
Michèle Rivasi
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) In Article 6, paragraph 3 is

replaced by the following:

For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC, and which are not authorised by national or Union law. Technological measures shall be deemed "effective" where the use of a protected work or other subject-matter is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective.

Or. en

Amendment 257

Michèle Rivasi

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(b b) In Article 6(4), the following subparagraph is added:

The protections provided for in paragraph 1 and 2 shall not apply to acts described in paragraph 1 and 2 whose sole purpose is to enable a user's right to enjoy the exceptions and limitations to copyright and related rights outlined in this Directive or in Directive 96/9/EC, Directive 2009/24/EC Directive 2012/28/EU or Directive ... [this directive], to the extent necessary to benefit from that exception or limitation and where

*that beneficiary has legal access to the
protected work or subject-matter
concerned;*

Or. en

Amendment 258

Kaja Kallas, Cora van Nieuwenhuizen

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. *The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].* *deleted*

Or. en

Amendment 259

Dario Tamburrano, Isabella Adinolfi, David Borrelli, Laura Ferrara

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. *The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].* *deleted*

Or. en